

## 15 FAM 460

# USAID ACQUISITION OF PROPERTY

*(CT:OBO-36; 10-31-2013)*  
*(Office of Origin: OBO)*

## 15 FAM 461 BASIC POLICIES AND LIMITATIONS

*(CT:OBO-36; 10-31-2013)*

*(USAID Only)*

- a. **Applicability:** Section 636(c) of the Foreign Assistance Act of 1961, as amended, applies to all construction, purchase, and capital leasing that has as its primary purpose the provision of residential, nonresidential, or other facilities for the use of U.S. Agency for International Development (USAID) employees.
- b. **Conditions for authorization:**
  - (1) Under the basic policy as stated in 15 FAM 412.3, residential, nonresidential, and maintenance and utility facilities will have first priority. Use of 636(c) authority for schools and hospitals will be confined to facilities primarily necessary to meet USAID requirements;
  - (2) USAID may provide space for personnel and dependents of other U.S. agencies to the extent that such usage will not substantially increase the size and cost of the facility required to meet USAID's needs. Facilities constructed or purchased under this authority will be of a modest functional type that will meet minimum basic requirements; and
  - (3) When facilities are constructed on land that the cooperating country or host government provides, every effort must be made to obtain written agreement with the government that the facilities will be available for the U.S. Government to use, free of charge, for as long as it needs them.
- c. **Construction not chargeable to 636(c):** Even though USAID employees may temporarily occupy them, facilities and housing that will ultimately become permanent quarters for the cooperating-country government staff, will not be charged to Section 636(c) if they meet all of the following conditions:
  - (1) They are an integral and necessary part of a project facility;
  - (2) They are included in the project or other agreement under which USAID is furnishing the assistance to which the housing relates;
  - (3) They are of a type and character consistent with the project facility and other housing in the locality; and

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- (4) They are consistent with the reasonable requirements of non-U.S. personnel who will ultimately occupy them in furtherance of the project's objectives.
- d. **Recreation and community-type facilities:** The construction or purchase of recreational and community-type facilities is normally accomplished through employee efforts, including group financial contributions. The Assistant Administrator for Management (AA/M) will only approve use of Section 636(c) authority for such purposes in extraordinary situations when the post demonstrates that the community has made maximum effort with contributions.
- e. **School construction:** The provision or improvement of school facilities for education of dependent children is normally accomplished by assistance under Section 636(c) to institutions already established or to be established. The U.S. Government will not construct schools under the authority of Section 636(c) except in those places where educational requirements cannot reasonably be met.

## **15 FAM 462 REQUESTS FOR ACQUISITIONS**

*(CT:OBO-24; 01-26-2012)*

- a. USAID missions will include their Section 636(c) of the Foreign Assistance Act of 1961, as amended, program requirements in funding requests that are fully justified and prepared in accordance with 15 FAM 432.2.
- b. **Final approval:** Following individual approval by the Assistant Administrator for Management (AA/M), USAID/Washington (USAID/W) and allocation of authority in the out-year-budget program, USAID missions will submit, upon request, detailed professional plans, specifications, and estimated cost figures to the Overseas Management Division, Office of Management Services, Bureau for Management, USAID/Washington (USAID/W-M/MS/OMD), for approval prior to contracting for purchase. Once USAID/W approves a proposal to acquire property, the USAID mission will proceed with the acquisition in accordance with 15 FAM 432 through 15 FAM 450.

## **15 FAM 463 THROUGH 469 UNASSIGNED**